

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY  
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MICHAEL LEON, *individually and on behalf  
of all others similarly situated,*

Plaintiff,

v.

STEMLINE THERAPEUTICS, INC., IVAN  
BERGSTEIN, RON BENTSUR, DARREN  
CLINE, ALAN FORMAN, DANIEL HUME,  
MARK SARD, AND KENNETH  
ZUERBLIS,

Defendants.

No. 20-CV-3931 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On May 20, 2020, Plaintiff Michael Leon filed a class action lawsuit on behalf of a class of public stockholders of Stemline Therapeutics, Inc. The complaint alleges violations of Sections 14(e) and 20(a) of the Securities Exchange Act of 1934 (“1934 Act”) and Rule 14d-9. Section 78u-4(a)(3)(A) of the Private Securities Litigation Reform Act (“PSLRA”), 15 U.S.C. § 78u-4(a)(3)(A), requires that:

Not later than 20 days after the date on which the complaint is filed, the plaintiff or plaintiffs shall cause to be published, in a widely circulated national business-oriented publication or wire service, a notice advising members of the purported plaintiff class --

- (I) of the pendency of the action, the claims asserted therein, and the purported class period; and
- (II) that, not later than 60 days after the date on which the notice is published, any member of the purported class may move the court to serve as lead plaintiff of the purported class.

15 U.S.C. § 78u-4(a)(3)(A)(i). The PSLRA also requires that not later than 90 days after the date on which notice is published, the Court shall consider any motion made by a purported class

member in response to the notice, and shall appoint as lead plaintiff the member or members of the purported plaintiff class that the Court determines to be most capable of adequately representing the interests of the class members. *See id.* § 78u-4(a)(3)(B)(i). In the event that more than one action on behalf of a class asserting substantially the same claim or claims has been filed, and any party has sought to consolidate those actions for pretrial purposes or for trial, the Court shall not appoint a lead plaintiff until after a decision on the motion to consolidate is rendered. *See id.* § 78u-4(a)(3)(B)(ii).

Plaintiff shall file a copy of the notice on ECF once it is published. Members of the purported class shall have until 60 days from Plaintiff's publishing of the required notice to move the Court to serve as lead plaintiffs. Once Plaintiff has filed a copy of its notice on the docket, the Court shall set a conference to consider any motions for appointment of lead plaintiff and lead counsel and for consolidation. That conference shall be held within 90 days of the notice's publication. Upon scheduling the conference, the Court will also set a deadline for the service and filing of the oppositions to any motion for appointment of lead plaintiff.

Plaintiff shall promptly serve a copy of this Order on each of the Defendants.

SO ORDERED.

Dated: June 1, 2020  
New York, New York



Ronnie Abrams  
United States District Judge